

08/22/03
I hereby certify that this correspondence is being deposited with the United States Postal Service "First Class Mail to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, ATTN: Trademark Trial and Appeal Board

By:

Nancy Quintero

Date Mailed:

August 22, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Big O Tires, Inc.,

Opposer,

v.

Sunrise Incorporated,

Applicant.

) Opposition No. 91157113

) Trademark: BIG O

) Application No.: 78/115902

) **APPLICANT'S ANSWER TO
NOTICE OF OPPOSITION**

) Our File No.: 24312-[NEW]

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514
ATTN: Trademark Trial and Appeal Board

ANSWER TO NOTICE OF OPPOSITION

Applicant answers the NOTICE OF OPPOSITION filed and served by Big O Tires, Inc., as follows:

1. In response to the allegations of paragraphs 1,2, 3,and 4 of the NOTICE OF OPPOSITION, Applicant lacks sufficient information and belief as to the truth of the allegations and on that basis denies them.
2. Applicant admits the allegations of paragraph 5 of the NOTICE OF OPPOSITION.
3. Applicant denies the allegations of paragraphs 6,7, 8, 9, 10, 11, 12, and 13 of the NOTICE OF OPPOSITION.

4841-7591-6032.1

08-26-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #77

09/22/2008 TIAE
Applicant reserves its rights to amend its answer and to seek cancellation of the Opposer's marks by counterclaim upon the discovery of supporting facts.

WHEREFORE, Applicant requests that the NOTICE OF OPPOSITION be dismissed and that Applicant be awarded registration as sought.

Executed in Los Angeles, California this 22nd day of August, 2003.

By: Mina Hamilton
David N. Makous
Mina I. Hamilton
Attorneys for Applicant,
Sunrise Incorporated

David N. Makous, Esq.
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007/02/2003
10:03:53 AM

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 221 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

On August 22, 2003, I served the foregoing document described as APPLICANT'S ANSWER TO NOTICE OF OPPOSITION on all interested parties in this action by placing ☒ a true copy ☐ the original thereof enclosed in sealed envelopes addressed as follows:

Marsha G. Genter
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004

☒ (BY MAIL, 1013a, 2015.5 C.C.P.)

☒ I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 22, 2003, at Los Angeles, California.


Nancy Quintero